IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 718 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRADIPKUMAR N RAUT

Versus

KEVDA BAUG NAVAPURA SAHAKARI MANDALI LTD

Appearance:

MR KV SHELAT for Petitioner No. 1

MR MB FAROOQUI for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 21/12/2002

ORAL JUDGEMENT

Learned advocate Mr.Shelat, for the petitioner has submitted two points, like that, (i) backwages has been granted from the date of making of reference and that it should have been granted from the date of order of

dismissal and (ii) order of reinstatement is yet not complied with.

In absence of the learned advocate for the other side, the entire record is examined by this Court. As such, this petition, as stated in the memo of petition, is only by invocation of Article 227 of the Constitution of India and the parameters of jurisdictional sweep of this Court under Article 227 are very much circumscribed and the proposition of law on this count would not detain this Court any further. There does not appear to be any error of law or any jurisdictional fallacy in passing the impugned award by the Labour Court, Vadodara in Reference (LCV) No.789/79. Nothing has been successfully pointed out from the record which would warrant inference of this Court under Article 227 of the Constitution of India. No illegality appears to have been made nor any jurisdictional error is shown or spelt out. Therefore, this petition deserves to be rejected.

In so far as the question of implementation or compliance of the award of the Labour Court is concerned, it is always open for the employee or the concerned party to pursue appropriate legal remedy before the appropriate forum. However, it is, really very sad state of affairs that the petitioner-employee has yet not been paid any amount nor he is reinstated in service, as stated by the learned advocate Mr.Shelat for the petitioner even after the dismissal of the petition filed by the Management against the award.

In the result, the petition is rejected.

(J.N.Bhatt, J.)